

electronically transmitting the one or more settlement details to a settlement agent.

58. (Previously Added) A method as set forth in claim 53 and further comprising:
 - accruing data relating to the redeemed offer; and
 - profiling the accrued data.
59. (Previously Added) A method as set forth in claim 58 wherein the profile is selected from the group of a static profile, a persistent profile, and a dynamic profile.
60. (Previously Added) A method as set forth in claim 53 wherein the offer is a consumer-specific offer.

Remarks

Upon entry of the foregoing amendment, claims 1-60 are pending in the application.

The Examiner rejected claims 1-60 under 35 USC Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With respect to claims 1, 12 and 53, the Examiner indicates it is unclear who is receiving offers. Applicant encloses two diagrams illustrating the various components of the electronic offer management system of the present invention, and the various parties involved in an offer transaction using the present invention to assist the Examining in understanding the invention. More importantly, as is clearly shown in Fig. 1 and specifically disclosed in the specification on page 34, lines 8-18, server 22 of the system 10 receives the offers.

With respect to claims 7, 16 and 33, the Examiner indicates it is unclear who the parties are and what is being received. Applicant has amended claims 7, 16 and 33 to clearly indicate that the third party is the customer.

With respect to claim 21, the Examiner indicates that there is insufficient antecedent basis for the limitation "the one or more redeemed offers." Applicant has amended claim 21 to provide such antecedent basis.

With respect to claim 32, the Examiner indicates that the wording "wherein the server clears the one or more redeemed offers with the one or more distributed offers by being operable to redeem the deferred reward" is confusing. Applicant has reworded claim 32 to clarify its meaning.

The Examiner also rejected claims 1-42, 44-47 and 50-60 under 35 U.S.C. 103(a) as being unpatentable over Engel et al. (U.S. Patent No. 5,907,830) in view of Kepecs (U.S. Patent No. 6,009,411). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Before discussing each rejection, Applicant thought it would be helpful to provide a short summary of the present invention, with reference to the enclosed

diagrams. In summary, the electronic offer management system of the present invention facilitates the ability to have multiple, different participants and operates via multiple, different offer distribution channels. The system represents the back-end of an offer distribution application; namely the infrastructure that allows all of the different parties to communicate over all of the different distribution channels. Analogizing to the television industry, the present invention is akin to the network, not the actual television devices or the content that is delivered over it.

With respect to independent claims 1, 12, and 53, the Examiner states that Fig. 1, element 18, of Engel discloses Applicant's receiving means. However, Applicant's receiving means require the ability to receive information related to a plurality of offers distributed by a plurality of *different* distributors such as marketing service firms Catalina Marketing Corporation, Valassis and the like (see specification, page 6, lines 15 – 17) (Emphasis added). In other words, the system of the present application is an open system which is not distributor specific. Engel and Kepecs, on the other hand, are closed systems that require the offer to be redeemed solely at the designated retailer. The closed nature of Engel also requires that the customer first set up an account with a unique key in order to receive and redeem offers, and the offer must have specific indicia on it in order to be processed. None of this is required by the present invention.

Moreover, the Engel and Kepecs disclosures are directed to the "front end" of an offer distribution application and thus solve different problems than the present invention. Engel is an improved system and method of distributing printed coupons, shifting the printing function from the issuing company (e.g., distributor) to the consumer. Kepecs is an improved shopper loyalty scheme. Both of these patents

disclose closed systems that do not allow offers to be managed in a centralized manner through an entity different than the stores and the offer distributors. The present invention, on the other hand, provides an open system for distributing offers in any medium (printed or otherwise) from a plurality of different offer distributors to any customer (not just one associated with a particular store), and automatically and completely clears the offer and the financial settlement thereof, thereby providing a system of targeting, tracking, auditing, clearing and settlement of offers which is more efficient, effective, and economical than existing systems. In fact, both Engel and Kepecs teach away from the idea of an open system that would allow different and competing offer distributors to present offers to consumers through a single, centralized mechanism. For the foregoing reasons, Applicant submits that claims 1, 12 and 53 and claims 2-42, 44-47, 50-52 and 54-60 that depend therefrom are patentable over these references.

The Examiner also rejected claims 43 and 48 under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Scroggie et al (U.S. Patent No. 5,970,469). In particular, with respect to claim 43, the Examiner states that while Engel does not specifically disclose the at least one offer including the date and time when the offer becomes inactive, Scroggie (in particular Fig. 11) discloses a manufacturer's coupon with an expiration date for the benefit of limiting the offer by time. For the reasons set forth above, Applicant submits the invention of claim 43 is not obvious in light of these references. In addition, both Engel and Kepecs disclose the use of paper coupons and thus, it is unlikely that Engel would be combined with Scroggie since the Engel coupon is printed at home and the Scroggie coupon is printed on a separate printer in

store at the time of the transaction. It is not possible to combine both Engel and Scroggie as suggested by the Examiner unless the customer's home printer is somehow linked to the store's POS terminal, at which is nowhere disclaimed or suggested in either reference.

With respect to claim 48, the Examiner finds that while Engel does not specifically disclose at least one condition including one or more departments from which each of the one or more items must be purchased, Scroggie (in particular Fig. 8, elements 222,224) teaches selecting items from departments and generating coupon tie-ins (Fig. 10, element 252) for the benefit of increased sales and building customer loyalty to the store or brand. For the reasons set forth above, Applicant submits the invention of claim 48 is not obvious in light of these references.

The Examiner also rejected claims 49 under 35 U.S.C. 103(a) as being unpatentable over Engel in view of Off et al (U.S. Patent No. 5,612,868). In particular, the Examiner indicates that while Engel does not specifically disclose a minimum purchase amount, Fig. 4b (element 81) of Off discloses a minimum purchase amount for the benefit of increased sales and building customer loyalty to the store or brand. Again, for the reasons set forth above, Applicant submits the invention of claim 49 is not obvious in light of these references.

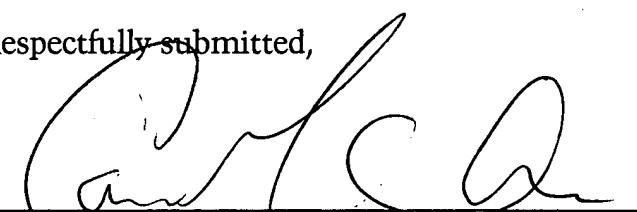
Conclusion

For the reasons set forth above, Applicant respectfully submits that claims 1-60 are allowable over the prior art of record. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the

outstanding Office Action, and as such, the present application is in condition for allowance. If the Examiner believes for any reason that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,



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Marked-Up Version of Claims

1. (Amended) An electronic offer management system for offer transactions, comprising:

receiving means for receiving information related to a plurality of offers distributed by a plurality of different offer distributors to customers for redemption at a plurality of stores;

routing means for automatically routing the information related to each offer to a point-of-sale system of each store in which the offer can be redeemed; and

clearing means for automatically clearing the offers redeemed by the customers at the stores, whereby the offers are managed in a centralized manner through an entity different than the stores and the offer distributors.

2. (Original) The system of claim 1, further comprising settlement means for automatically reconciling financial obligations associated with each offer cleared by the clearing means, whereby a single, electronic audit of each offer transaction can be achieved.

3. (Original) The system of claim 1, wherein the clearing means comprises:

means for receiving redemption information from the stores; and

means for comparing the redemption information to the offer information whereby each offer redeemed by the customers can be validated.

4. (Original) The system of claim 1, wherein the plurality of offer distributors comprises at least one of an internet offer distributor, a retailer offer distributor, a kiosk offer distributor, a direct mail offer distributor, and an email offer distributor.

5. (Original) The system of claim 1, further comprising activation means for selectively activating and deactivating each offer.
6. (Original) The system of claim 1, further comprising profiling means for dynamically profiling the customers so that the offers can be targeted to specific customers.
7. (Amended) The system of claim 1, wherein each offer corresponds to a reward, and wherein the system further comprises reward deferral means for deferring issuance of the reward to [a third party] the customer.
8. (Original) The system of claim 1, further comprising offer consolidation means for consolidating the offers available through the system for presentation to the customer at a plurality of levels.
9. (Original) The system of claim 8, wherein the plurality of levels comprises at least one of an offer distributor level and a store level.
10. (Original) The system of claim 1, wherein the offer information comprises at least one condition and wherein the at least one condition is at least one of an item purchase condition, a department purchase condition, a total purchase condition, a time of day condition and a day of the week condition.
11. (Original) The system of claim 6, wherein the profiling means comprises at least one of a static profile, a persistent profile and a dynamic profile.
12. (Amended) A method of electronic management of offer transactions, comprising:
receiving information related to a plurality of offers distributed by a plurality of different offer distributors to customers for redemption at a plurality of stores;

automatically routing the information of each offer to a point-of-sale system of each store in which the offer can be redeemed; and

automatically clearing the offers redeemed by the customers at the stores,

whereby the offers are managed in a centralized manner through an entity different than the stores and the offer distributors.

13. (Original) The method of claim 12, further comprising the step of automatically reconciling financial obligations associated with each cleared offer whereby a single, electronic audit of each offer transaction can be achieved.

14. (Original) The method of claim 12 wherein the method further comprises the step of receiving redemption information from the stores, and comparing the redemption information to the offer information whereby each offer redeemed by the customers can be validated.

15. (Original) The method of claim 12, further comprising the step of selectively activating each offer.

16. (Amended) The method of claim 12, wherein each offer corresponds to a reward, and wherein the method further comprises the step of deferring issuance of the reward to [a third party] the customer.

17. (Original) The method of claim 12, further comprising the step of consolidating the offers for presentation to the customer at a plurality of levels.

18. (Original) The method of claim 17, wherein the plurality of levels comprises at least one of an offer distributor level and a store level.

19. (Original) The method of claim 12, further comprising the step of dynamically profiling the customers so that the offers can be targeted to specific customers.

20. (Original) The method of claim 12, wherein the offer information comprises at least one condition and wherein the at least one condition is at least one of an item purchase condition, a department purchase condition, a time of day condition and a day of the week condition.

21. (Amended) An electronic network for managing offer transactions, the network comprising:

one or more maintenance files, each maintenance file including one or more distributed offers, and each distributed offer having at least one offer property, at least one condition, and at least one reward;

a router to distribute the one or more distributed offers to one or more point-of-sale systems for redemption;

a transaction log file received from one of the point-of-sale systems, the transaction log file including one or more redeemed offers; and

a server to clear one or more offers being redeemed by a customer with the one or more distributed offers, whereby the offers are managed in a centralized manner through an entity different than the stores and the offer distributors.

22. (Previously Added) A network as set forth in claim 21 wherein the server is operable to receive the one or more distributed offers from one or more distributors, and to create the one or more maintenance files having the one or more distributed offers.

23. (Previously Added) A network as set forth in claim 22 wherein the server is further operable to authenticate that each distributed offer has a valid format.

24. (Previously Added) A network as set forth in claim 21 wherein the network includes a database, and wherein the one or more maintenance files are stored in the database.

25. (Previously Added) A network as set forth in claim 24 wherein one or more aspects of the database are viewable by a consumer via a browser interface.

26. (Previously Added) A network as set forth in claim 24 wherein one or more aspects of the database are viewable by a consumer via a kiosk.

27. (Previously Added) A network as set forth in claim 21 wherein the server includes the router.

28. (Previously Added) A network as set forth in claim 21 wherein each distributed offer further includes a unique reference code.

29. (Previously Added) A network as set forth in claim 21 wherein each distributed offer further includes an identity of the distributor.

30. (Previously Added) A network as set forth in claim 21 wherein the distributed offer is a consumer-specific distributed offer.

31. (Previously Added) A network as set forth in claim 21 wherein the server clears the one or more redeemed offers with the one or more distributed offers by being operable to prepare one or more settlement details.

32. (Amended) A network as set forth in claim 31, wherein the at least one reward includes a deferred award [and wherein the server clears the one or more redeemed offers with the one or more distributed offers by being operable to redeem the deferred reward].

33. (Amended) A network as set forth in claim 32, wherein the deferred award is an award for [a third party] the customer.

34. (Previously Added) A network as set forth in claim 31 wherein the server is further operable to communicate the one or more settlement details to a settlement agent.

35. (Previously Added) A network as set forth in claim 21 wherein the server is further operable to accrue data relating to the redeemed offers, and to profile the accrued data.

36. (Previously Added) A network as set forth in claim 35 wherein the server is further operable to communicate the profile to the one or more distributors.

37. (Previously Added) A network as set forth in claim 35 wherein the profile is selected from the group of a static profile, a persistent profile, and a dynamic profile.

38. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes whether the offer is open to the public.

39. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes whether the offer is being offered by a vendor or a store.

40. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes the maximum number of times the offer may be used by a consumer per transaction.

41. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes the maximum number of times the offer may be used by a consumer across transactions.

42. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes the date and time when the offer becomes active.

43. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes the date and time when the offer becomes inactive.

44. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes a text description of the offer.

45. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes the unique number used to identify a sponsor of each offer.

46. (Previously Added) A network as set forth in claim 21 wherein the at least one offer property includes whether a reward is to be received in the future.

47. (Previously Added) A network as set forth in claim 21 wherein the at least one condition includes one or more items that must be purchased.

48. (Previously Added) A network as set forth in claim 47 wherein the at least one condition includes the one or more departments from which each of the one or more items must be purchased.

49. (Previously Added) A network as set forth in claim 21 wherein the at least one condition includes the amount of total purchases required.

50. (Previously Added) A network as set forth in claim 21 wherein the at least one condition includes the one or more days the offer may be redeemed.

51. (Previously Added) A network as set forth in claim 21 wherein the at least one condition is selected from the group of an item purchase condition, a department purchase condition, a total purchase condition, a time of day condition, and a day of week condition.

52. (Previously Added) A network as set forth in claim 21 wherein the at least one reward is selected from the group of an item discount reward, a department discount award, a total discount award, a free item reward, and a replacement price reward.

53. (Amended) A method of electronically managing offer transactions, the method comprising:

electronically receiving an offer from a distributor, the offer having at least one offer property, at least one condition, and at least one reward;

storing the offer;

electronically distributing the offer to a point-of-sale system of a store in which the offer can be redeemed;

electronically receiving a redeemed offer from the point-of-sale system; and

comparing the redeemed offer with the stored offer, wherein the entity receiving the offer is different than the store and the distributor.

54. (Previously Added) A method as set forth in claim 53 and further comprising authenticating the received offer from the distributor.

55. (Previously Added) A method as set forth in claim 53 and further comprising viewing the stored offer via a browser interface.

56. (Previously Added) A method as set forth in claim 53 and further comprising viewing the stored offer via a kiosk.

57. (Previously Added) A method as set forth in claim 53 and further comprising: creating one or more settlement details using information from the redeemed offer; and

electronically transmitting the one or more settlement details to a settlement agent.

58. (Previously Added) A method as set forth in claim 53 and further comprising:
 - accruing data relating to the redeemed offer; and
 - profiling the accrued data.
59. (Previously Added) A method as set forth in claim 58 wherein the profile is selected from the group of a static profile, a persistent profile, and a dynamic profile.
60. (Previously Added) A method as set forth in claim 53 wherein the offer is a consumer-specific offer.